

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RONALD MCALLISTER,)
Plaintiff,)
v.)
THE ST. LOUIS RAMS, LLC,)
Defendants.)
No. 4:16-CV-172 SNLJ

MEMORANDUM AND ORDER

On July 6, 2016, this Court consolidated this matter with two later-filed lawsuits¹, all relating to St. Louis Rams football team’s decision to move the team to a new stadium in Inglewood, California. Defendant sought to consolidate a third later-filed lawsuit, *Pudlowski, et al. v. The St. Louis Rams, LLC, et al.*, No. 4:16-cv-00189-RLW (E.D. Mo. removed February 11, 2016), as well. However, Judge White granted the *Pudlowski* plaintiffs’ motion to remand that case to the Circuit Court for the City of St. Louis (4:16-cv-00189, #49), and that order was stayed pending defendant’s appeal to the Eighth Circuit (*Id.*, #54), so the Court denied without prejudice the motion to consolidate as to *Pudlowski*. The Eighth Circuit reversed the order of remand, the motion to remand has now been denied (4:16cv189, #64), and defendants have renewed their motion to consolidate *Pudlowski* with this case (#34).

Federal Rule of Civil Procedure 42(a) permits consolidation of cases if “actions before the court involve a common question of law or fact.” The *McAllister* and

¹ *Envision, LLC, et al. v. The St. Louis Rams, LLC*, No. 4:16-CV-00262-CDP (E.D. Mo. removed Feb. 26, 2016); *Arnold, et al. v. The St. Louis Rams, LLC*, No. 4:16-cv-00297-SNLJ, (E.D. Mo. removed March 4, 2016).

Pudlowski plaintiffs suggest that their cases are too disparate to warrant consolidation. The *McAllister* purported class includes all Personal Seat License (“PSL”) holders and claims that either the PSL contracts are illusory and therefore invalid or, if the PSL contracts are not illusory, then the Rams breached the contract, breached the implied covenant of good faith and fair dealing, and violated the Missouri Merchandising Practices Act, §§ 407.010 *et seq.* (“MMPA”). *Pudlowski*’s plaintiffs allege the Rams violated the MMPA by misrepresenting the Rams’ intention to leave St. Louis, causing damages in the form of money spent for Rams’ merchandise, tickets, and concessions. The *McAllister* plaintiff argues that the cases are different in that (1) *Pudlowski*’s purported class consists of individuals who did not necessarily own PSLs, and (2) *Pudlowski* includes only Missouri residents. Plaintiffs contend that discovery in *Pudlowski* will focus on public statements by the Rams regarding whether they planned to stay in St. Louis and inquiries into the Rams’ true intention. Further, plaintiffs contend that damages in *Pudlowski* will be different and more complex than the *McAllister* case’s claimed damages. *Pudlowski* alleges that the class paid more for tickets, refreshments, and clothing than the value those items had if the Rams had been truthful about the team’s intentions. *McAllister*, on the other hand, seeks a refund for the nine unusable years of classmembers’ PSLs.

Despite these differences, the Court finds that consolidation of *Pudlowski* with the other three cases will promote efficiency and will not prejudice any party. The proposed class set forth in *Pudlowski* includes PSL holders because those individuals were contractually obligated to purchase tickets to games played at the Rams’ St. Louis stadium. The terms of the PSL contracts (and applicable limitations on liability) will thus be at issue for both *Pudlowski* and *McAllister* class claims, and those issues are most

efficiently resolved through consolidation. The Court also notes that *Pudlowski* and *Arnold* plaintiffs appear to argue that the Rams' decision to relocate is at issue in their claims, so multiple common issues are present. Although this Court has now ruled on motions for judgment on the pleadings in the *McAllister*, *Envision*, and *Arnold* cases, consolidation of *Pudlowski* with those cases will most efficiently apply consistent rulings to all four matters.

Accordingly,

IT IS HEREBY ORDERED that defendant's renewed motion to consolidate (#34) is GRANTED.

IT IS FURTHER ORDERED the parties shall file all further documents in this case, *McAllister v. St. Louis Rams*, 4:16-cv-172.

Dated this 5th day of October, 2016.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE